

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL GRAJEDA,

No. C-11-4700 TEH (PR)

Petitioner,

v.

ORDER OF DISMISSAL

DIRECTOR OF CORRECTIONS,

Respondent.

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Petitioner Daniel Grajeda, a state prisoner incarcerated at Pelican Bay State Prison, has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging prison conditions. Doc. #1 at 2.

Petitioner's challenge to the conditions of his confinement by way of a federal petition for writ of habeas corpus is DISMISSED without prejudice to Petitioner filing a civil rights complaint under 42 U.S.C. § 1983. Although the Supreme Court has not addressed whether a challenge to a condition of confinement may be brought under habeas, see Bell v. Wolfish, 441 U.S. 520, 526 n.6 (1979), the Ninth Circuit has held that habeas jurisdiction is

absent, and a 42 U.S.C. § 1983 action proper, where, as here, a successful challenge to a prison condition will not necessarily shorten the prisoner's sentence. See Ramirez v. Galaza, 334 F.3d 850, 859 (9th Cir. 2003); see also Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991) (civil rights action is proper method of challenging conditions of confinement); Crawford v Bell, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979) (affirming dismissal of habeas petition on basis that challenges to terms and conditions of confinement must be brought in civil rights complaint).

The Clerk shall terminate any pending motions as moot, enter judgment in accordance with this order and close the file.

IT IS SO ORDERED.

DATED 11/15/2011



THELTON E. HENDERSON  
United States District Judge